

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**February 27, 2008**

DIVISION ONE

Court convened at 9:00 a.m.

Present: Mallano, Acting P.J., Vogel (Miriam A.), J., Rothschild, J., Jackson, J.  
(Assigned) and P. Gonzalez, Deputy Clerk.

Each of the following:

B196222 Townsend v. Townsend  
B199763 Indiamond Inc., v. Jewelry Connection

Argument waived, cause submitted.

B194463 Hill v. State Farm

Matter taken off calendar.

B198988     Walter W. Mosher, Jr., etc.  
                 v.  
                 Jonathan G. Lasch et al.

Merits:

Argued by Howard N. Gould for appellants and by Ronald Nessim for  
respondent Lasch and by Edward Gartenberg for respondent Kraemer.  
Cause submitted.

DIVISION ONE (continued)

B199603      Lawrence S. Morelock  
                 v.  
                 Diane Fetter

Merits:

Argued by appellant In Pro Per and by Lee Horwell Jr. for respondent.  
Cause submitted.

Vogel, J., leaves the bench.

B195638      Pierre Charbat  
                 v.  
                 Sunset Conglomerate Restaurants Inc., et al.

Merits:

Argued by Tamar G. Arminak for appellant and by Cynthia L. Gillette for respondents. Cause submitted.

Vogel, J., returns to the bench.

B198034      A.D. Moon  
                 v.  
                 Anthony McFarland et al.

Merits:

No appearance for appellant and argument waived by Anthony Mc Farland for respondents. Cause submitted.

Jackson, J. (Assigned), leaves the bench.

B201466      Jakks Pacific Inc.  
                 v.  
                 Superior Court, Los Angeles County  
                 (THQ, Inc., r.p.i.)

Merits:

Argued by James E. Lyons for petitioner and by Steven A. Marenberg for real party in interest. Cause submitted.

DIVISION ONE (continued)

B194432      Allen Glass  
                 v.  
                 Marvin Engineering Co.

Merits:

Argued by Jeffrey Huron for appellant and by Paul Kanno for respondent.  
Cause submitted.

B191659      Romola Robins et al.  
                 v.  
                 Anton Roland et al.

Merits:

Argued by Martin Buchanan for appellants Robins et al., by Robin Meadow for respondents Roland et al., and by Richard A. Derevan for respondent Vardi. Cause submitted.

Jackson, J. (Assigned), returns to the bench.

Mallano, Acting P.J., leaves the bench.

B190025      Rex Reginald  
                 v.  
                 New Line Cinema Corporation et al.

Merits:

Argued by Armand Arabian and Robert E. Young for appellant, by Michael J. Freedman for respondent New Line Cinema and by Bryan Freedman for respondent United Talent for respondent. Cause submitted.

Court adjourned.

## DIVISION ONE (continued)

B198819 People (Not for Publication)  
v.  
Jesus Gutierrez

The trial court is ordered to modify the judgment to reflect a fine of \$200 under Penal Code section 1202.4, subdivision (b), and a parole revocation fine of \$200 under Penal Code section 1202.45, and to forward a copy of the modified judgment to the Department of Corrections. In all other respects, the judgment is affirmed.

Mallano, Acting P.J.

We concur: Vogel (Miriam A.), J.  
Rothschild, J.

B201029      People                                  (Not for Publication)  
v.  
Hector Manual Gutierrez

The matter is affirmed and the matter is remanded with directions for the trial court to strike the protective order of April 10, 2007.

Mallano, Acting P.J.

We concur: Rothschild, J.  
Jackson, J. (Assigned)

DIVISION TWO

B190995      People      (Not for Publication)

v.  
Askia

The judgment is affirmed. The trial court is directed to correct the abstract of judgment to reflect that defendant was convicted of section 23153, subdivision (a) in count 2.

Ashmann-Gerst, J.

We concur: Boren, P.J.  
Doi Todd, J.

B194776      Rusnak Daimler Chrysler Center

v.  
Chrysler Realty Company

Filed order denying petition for rehearing.

DIVISION THREE

B196153      People      (Not for Publication)

v.  
Stanfield

The judgment is affirmed as modified. The \$200 probation revocation restitution fine is vacated. If necessary, the clerk of the superior court shall prepare an amended abstract of judgment to reflect this modification, and forward the amended abstract of judgment to the Department of Corrections.

Klein, P.J.

We concur: Kitching, J.  
Aldrich, J.

DIVISION THREE (continued)

B201838      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Joseph M.,et al.

The August 30, 2007 dispositional order is affirmed in all respects, including the mutual retraining order against mother and father. The Department's request for judicial notice of the October 9, 2007 order suspending father's visitation with Kaylie is hereby granted; however, the Department's motion for partial dismissal of father's appeal is denied as moot.

Klein, P.J.

We concur:    Croskey, J.  
                  Kitching, J.

B183960      Attenborough      (Not for Publication)  
v.  
Reish Luftman Reicer & Cohen, etc.

The judgment in favor of Attenborough is reversed and the matter is remanded to the trial court with directions to permit Attenborough to amend his complaint to allege causes of action for breach of the implied covenant of good faith and fair dealing with respect to the DCA and SRA only and to conduct such further proceedings as may be appropriate and not inconsistent with the views expressed herein. The parties are to bear their own costs on appeal.

Croskey, J.

We concur:    Klein, P.J.  
                  Kitching, J.

February 27, 2008 (Continued)

### DIVISION THREE (continued)

B190427      Ticonni, etc.      (Certified for Publication)

V.

Blue Shield of California Life & Health Insurance Company, et al.

The order is reversed with directions to the trial court in accordance with the opinions expressed herein. Appellants to recover costs on appeal.

Aldrich, J.

We concur:   Croskey, Acting P.J.  
                    Kitching, J.

DIVISION FOUR

B194349      Guerrero      (Not for Publication)

V.

Cordova Associates, Inc.

The judgment is affirmed. Respondent's cross-appeal is dismissed as moot. Respondent shall have his costs on appeal. Each party shall bear its own costs on cross-appeal.

Epstein, P.J.

We concur: Willhite, J.  
Manella, J.

B192454 People (Not for Publication)

V.

Lopez

The judgment is affirmed.

Epstein, P.J.

We concur: Willhite, J.  
Suzukawa, J.

February 27, 2008 (Continued)

## DIVISION FOUR (continued)

B202813      In re Norma Edwards Borstein on Habeas Corpus (Not for Publication)

The petition for writ of habeas corpus is granted as to counts VII through XIII, and the trial court is directed to vacate its judgment of contempt and to enter a judgment of dismissal as to these counts. The petition is denied with respect to counts I through VI. Each side is to bear its own costs in this proceeding.

Epstein, P.J.

We concur: Willhite, J.  
Manella, J.

B203846      Kalee K.      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Los Angeles County Department of Children and Family Services, r.p.i.)

The order is affirmed.

Manella, J.

We concur: Epstein, P.J.  
Willhite, J.

## DIVISION FIVE

B193859 People (Not for Publication)  
v.  
Vicente Guzman

The judgment is affirmed.

Armstrong, J.

We concur:   Turner, P.J.  
                     Mosk, J.



## DIVISION SEVEN

B198529 People (Not for Publication)  
v.  
Valdez

The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.  
Wiley, J. (Assigned)

B204775 Robin Singh Educational Services, Inc., DBA  
Testmasters  
v.  
Blueprint Test Preparation, LLC et al.

B205598 Robin Singh Educational Services, Inc., DBA  
Testmasters  
v.  
Blueprint Test Preparation, LLC et al.,

Filed order consolidating above captioned appeals.

## DIVISION EIGHT

B171066 People (Not for Publication)  
v.  
Bell

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.  
Egerton, J. (Assigned)

DIVISION EIGHT (continued)

B193863 Gary G. Kuist et al., (Not for Publication)  
v.  
Richard E. Hodge et al.,

B195663 Gary G. Kuist  
v.  
John C. Bedrosian

The judgment in the action by Gross and Kuist against Richard E. Hodge, Richard E. Hodge, Inc., and Richard E. Hodge, LLP is affirmed. Kuist and Gross are to recover their costs of appeal. The order awarding costs appealed from in the action by Kuist against Bedrosian is reversed. The trial court is directed to permit Kuist to conduct a deposition of Bedrosian and to reconsider Kuist's motion to tax costs in light of evidence received or obtained during discovery. Kuist and Bedrosian are to bear their own costs of appeal.

Cooper, P.J.

We concur: Flier, J.  
Egerton, J. (Assigned)

B192927 Teri Courtney et al., (Not for Publication)  
v.  
City of Redondo Beach

The judgment is affirmed. The City of Redondo Beach is to recover its costs on appeal.

Egerton, J. (Assigned)

We concur: Cooper, P.J.  
Rubin, J.

February 27, 2008 (Continued)

## DIVISION EIGHT (continued)

[illegible]

The judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.  
Rubin, J.

B186036	Densmore, v. Manzarek et al.,
B186037	Courson et al., v. Manzarek et al.,
B188708	Denmore, et al. v. Manzarek et al.

The Court:

The submission order of November 28, 2007 is vacated for the reason that, due to the press of other court business and the complexity of the issues in this case, additional time is needed to complete and file the opinion. The matter shall stand resubmitted as of the date of this order.